IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2202 OF 2005

Rajesh Jagannath Yadav ...Petitioner.

V/s

The State of Maharashtra ...Respondent.

Mr. P.M. Prabhan for the petitioner.
Mr. S.R. Shinde, APP for the State.

CORAM: V.M.KANADE,J.

DATE: 8th April, 2005

P.C.:

1. Heard the learned counsel for the petitioner and the learned APP for the State.

2. Petitioner is seeking bail in C.R. No.39 registered at Dehu Road Police Station.

3. Prosecution case is that the petitioner along with four others committed murder of one Subhash Gangaram Kobal who was working as a peon in the office of Sub-Registrar, Haveli No.5 and 14, Pune. It is alleged that the incident had taken place between 27/4/2003 and 29/4/2003 and an amount of Rs 2,36,000/- was stolen. Prosecution case is that the amount was recovered from the petitioner.

4. The learned Counsel appearing on behalf of the petitioner has submitted that the petitioner was working as an authorized stamp vendor since 2000. It is submitted that other accused have been released on bail. The learned Counsel has, therefore submitted that since the facts and circumstances of the case are similar, the petitioner should be released on bail on the principle of parity. He further submitted that there were no eye wittiness to the said incident. He further submitted that no blood stains were found on the sword which was recovered at the instance of the petitioner.

5. It is not possible to accept the submissions made by the learned Counsel appearing on behalf of the petitioner. There has been recovery of Rs 2,36,000/- from the petitioner which was an exact amount which was stolen from the Sub-Registrar's Office. There is an evidence to the effect that the petitioner had kept this money with his mistress at her residence. Further, there is evidence to show that the sword with which the deceased was murdered was recovered at the instance of the accused. The trial court has passed a reasoned order dated 1/3/2005 by rejecting the application for bail filed by the petitioner. In my view, this is not a fit case for grant of bail.

Criminal Application is accordingly rejected.

V.M. KANADE, J.